IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 5722 of 2007(F)

PETITIONER:

PONNAPPAN, S/O.NARAYANAN,
KANDATHIL HOUSE, EDAVATTAM P.O., VAIKOM.

BY ADV. SRI.MATHEW PHILIP EDAPPALLIL

RESPONDENTS:

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1. SPECIAL SALE OFFICER,
MARAVANTHURUTHU SERVICE CO-OPERATIVE
BANK LTD.NO.121, EDAVATTAM PO., VAIKOM.

2. MARAVANTHURUTHU SERVICE CO-OPERATIVE
BANK LTD.NO.121, REPRESENTED BY ITS
SECRETARY, EDAVATTAM P.O., VAIKOM.

3. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES GENERAL, KOTTAYAM COLLECTORATE P.O.,
KOTTAYAM-686 002.

R2 BY ADV. SRI.T.A.SHAJI
SMT.T.V.NEEMA
R1 & R3 BY GOVT.PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 25/09/2007, ALONG WITH W.P.(C) 5735 & 11752/2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 5722/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 : TRUE COPY OF SALE PROCLAMATION ISSUED BY FIRST RESPONDENT.

EXT. P2 : TRUE COPY OF CIRCULAR NO.55/06 ISSUED BY REGISTRAR OF CO-OPERATIVE SOCIETIES DTD. 30.11.2006.

EXT. P3 : TRUE COPY OF REPRESENTATION SENT TO RESPONDENTS.

EXT. P4 : TRUE COPY OF POSTAL RECEIPTS.

K.M.JOSEPH, J.

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WP.(C) Nos.5722, 5735 & 11752 of 2007

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Dated this the 25th day of September, 2007

JUDGMENT

These writ petitions being connected, they are disposed of by a common judgment. The petitioner in W.P.(C) 11752 of 2007 is a Co-operative Society from which the petitioners in the other two writ petitions availed loans. The loans were defaulted. Co-operative has challenged Ext.P4 Circular. Learned counsel for the petitioner Society Sri.T.A.Shaji submits that Ext.P4 has been superseded by Circular No. 30/2007. He would further submit that the petitioners in the other two writ petitions, if they file applications seeking the benefit of Circular No.30/2007, it will be considered and any benefits due to them under the same can be granted to them.

Accordingly the writ petitions are disposed of directing that if the petitioners in W.P.(C) Nos.5722 and 5735 of 2007 move applications seeking the benefit of Circular No.30/2007 within ten days from today, the respondent Society in both the cases will consider the same and take a decision in accordance with law within a period of three weeks from the date of receipt of the applications. Till such time as a decision

is taken on the applications and communicated to the petitioners, coercive steps will not be taken against the petitioners.

(K.M. JOSEPH, JUDGE)

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